IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7384 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VARAHI KELAVANI MANDAL

Versus

GUJARAT SECONDARY EDUCATION BOARD & ORS

Appearance:

MR MUKESH R SHAH for the Petitioner

Respondents Nos. 1,3 SERVED

MRS HARSHA DEVANI, AGP for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 04/02/2003

ORAL JUDGEMENT

The petitioner before this Court is an educational trust (hereinafter referred to as 'the Trust'). The respondent no.1 is the Gujarat Secondary Education Board (hereinafter referred to as 'the Board').

In the year 1991, the Trust applied to the Board for permission to establish a secondary school at village Golana, Taluka Khambhat, District Kheda. Alongwith the

said application, the Trust produced relevant materials to establish that the Trust had the requisite paraphernalia to start a secondary school. The Board, considering the said application and the relevant materials, rejected the application under order dated 18th November, 1992. In the opinion of the Board, the Trust did not have adequate facilities, namely, the land, the building and the financial stability for starting a secondary school. Feeling aggrieved, the petitioner preferred appeal before the State Government. The said appeal was dismissed on 19th October, 1994. Feeling aggrieved, the Trust has preferred the present petition.

The Trust having failed to establish before the respondent Authorities that it had means to establish and run secondary school, the petitioner's application for grant of permission to establish a secondary school can not be granted by this Court. Besides, the application was made for starting a school commencing from the academic year 1992-93. The said application can not now even be reconsidered upon the materials which were then produced. No relief, therefore, can be granted on this petition. The petition is accordingly disposed of. Rule is discharged. The parties shall bear their own costs.

It is clarified that this order shall not preclude the Trust from making application afresh for starting a secondary school hereafter. If such an application is made, the same shall be decided in accordance with the prevalent law.

(Ms. R.M. Doshit, J.)
/sakkaf